

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #7	CCRB Case #: 202103501	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/07/2021 8:00 PM, Wednesday, 06/09/2021 8:39 PM	Location of Incident: Seaview Avenue and Rockaway Parkway; front of 69th Precinct	Precinct: 69	18 Mo. SOL 12/7/2022	EO SOL 12/7/2022	
Date/Time CV Reported Thu, 06/10/2021 10:09 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/10/2021 10:09 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jia Lau	06770	964606	069 PCT
2. POM Samuel Maria	10252	935248	069 PCT
3. POF Denise Garciatorres	12932	969719	069 PCT
4. POM Travis Smikle	04649	966860	069 PCT
5. POM Justin Flores	11775	965102	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hadi Saifi	08304	939403	069 PCT
2. POM Moahmmad Uddin	14848	956309	069 PCT
3. POM Cristian Monterrosa	18940	968012	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Denise Garciatorres	Abuse: On June 7, 2021, Police Officer Denise Garciatorres refused to provide her name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
B.POF Denise Garciatorres	Abuse: On June 7, 2021, Police Officer Denise Garciatorres refused to provide her shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
C.POM Travis Smikle	Abuse: On June 7, 2021, Police Officer Travis Smikle refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
D.POM Travis Smikle	Abuse: On June 7, 2021, Police Officer Travis Smikle refused to provide his shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
E.POM Jia Lau	Abuse: On June 7, 2021, Police Officer Jia Lau refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	

Officer(s)	Allegation	Investigator Recommendation
F.POM Jia Lau	Abuse: On June 7, 2021, Police Officer Jia Lau refused to provide his shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
G.POM Justin Flores	Abuse: On June 7, 2021, Police Officer Justin Flores refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
H.POM Justin Flores	Abuse: On June 7, 2021, Police Officer Justin Flores refused to provide his shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn	
I.POM Jia Lau	Abuse: Police Officer Jia Lau did not process § 87(2)(b)'s complaint regarding an officer	
J.POM Samuel Maria	Abuse: Police Officer Samuel Maria did not process § 87(2)(b)'s complaint regarding an officer.	

### Case Summary

On June 10, 2021, § 87(2)(b) filed the following complaint through the CCRB Processing System (BR1).

Police Officer Hadi Saifi and Police Officer Cristian Monterrosa, both of the 69 Precinct, pulled § 87(2)(b) vehicle over at the corner of Rockaway Parkway and Seaview Avenue in Brooklyn on June 7, 2021 at 8PM for a traffic violation. Police Officer Denise Garcia-Torres, Police Officer Travis Smikle, Police Officer Justin Flores, and Police Officer Jia Lau, all of the 69 Precinct, also arrived. § 87(2)(b) alleged that he requested all of the officers' names and shield numbers and no one provided it to him (**Allegations A-H: Abuse of Authority**, § 87(2)(g))

§ 87(2)(b) alleged that on a later date, perhaps June 9, 2021, he went to the 69 Precinct stationhouse to file a complaint against PO Saifi. PO Maria and PO Lau refused to process his complaint (**Allegations I and J: Abuse of Authority**, § 87(2)(g))

The investigation received body-worn camera videos for PO Garcia-Torres (BR2; BR3), PO Smikle (BR4; BR5), PO Monterrosa (BR6), and PO Saifi (BR7).

### Findings and Recommendations

**Allegation A-Abuse of Authority: On June 7, 2021, Police Officer Denise Garcia-Torres refused to provide her name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation B- Abuse of Authority: On June 7, 2021, Police Officer Denise Garcia-Torres refused to provide her shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation C- Abuse of Authority: On June 7, 2021, Police Officer Travis Smikle refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation D- Abuse of Authority: On June 7, 2021, Police Officer Travis Smikle refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation E- Abuse of Authority: On June 7, 2021, Police Officer Jia Lau refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation F-Abuse of Authority: On June 7, 2021, Police Officer Jia Lau refused to provide his shield number to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation G-Abuse of Authority: On June 7, 2021, Police Officer Justin Flores refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

**Allegation H- Abuse of Authority: On June 7, 2021, Police Officer Justin Flores refused to provide his name to § 87(2)(b) at the intersection of Seaview Avenue and Rockaway Parkway in Brooklyn**

§ 87(2)(b) drives a 2018 540 Black BMW with NY license plate § 87(2)(b). At the intersection of Rockaway and Seaview Avenue in Brooklyn on June 7, 2021 at 7PM, § 87(2)(b) § 87(2)(b) acknowledged that he continued straight through a traffic light from a lane in which one could only turn left. PO Saifi and PO Monterrosa pulled § 87(2)(b) over for this traffic violation. § 87(2)(b) asked for any probable cause that made the officers follow him. PO Saifi told him that he pulled him over for "going straight" and making a pavement infraction. PO Saifi asked for his license and registration and § 87(2)(b) provided his identification. PO Saifi walked

away and sat in his car. While § 87(2)(b) and the officers were in their respective cars, other officers, later identified as PO Garcia-Torres, PO Smikle, and PO Lau, arrived (BR8).

§ 87(2)(b) asked if this stop was about a marijuana warrant that had been dismissed years ago. § 87(2)(b) began to record and he repeatedly asked all of the officers what was going on, but no one was responding to him. § 87(2)(b) became angry, so he got out of the car. He continued to record and asked all of the officers for their names and shield numbers. He recorded PO Monterrosa's shield number and PO Saifi provided his name and shield number (BR8).

PO Saifi issued him Summons #§ 87(2)(b) for disobeying a traffic device (BR9).

PO Garcia-Torres explained that she and PO Smikle responded to a call for additional units for a vehicle stop. § 87(2)(b) asked PO Garcia-Torres why he had been stopped and she did not know why. She had no other conversation with him. She heard § 87(2)(b) ask for PO Saifi's name but he did not request any other officers' names or shield numbers. She never gave her name or shield because § 87(2)(b) never asked her for her information (BR10).

PO Garcia-Torres' BWC (BR2) from 2:06-2:18 beginning at 8:08PM during the incident shows that § 87(2)(b) did not ask her directly for her shield number.

§ 87(2)(b) never asks for PO Smikle's name or shield in PO Smikle's BWC (BR4; BR5).

PO Lau explained that § 87(2)(b) never asked him for his name or shield number, so he never provided it (BR11).

In PO Garcia-Torres' BWC (BR3) from 1:39-6:05, PO Lau and PO Flores arrive. They attempt to calm § 87(2)(b) down with PO Garcia-Torres and PO Smikle. PO Saifi gives him the summons and officers leave. § 87(2)(b) never asks for shield numbers or names from PO Lau, PO Smikle, PO Garcia-Torres, or PO Flores.

§ 87(2)(b) alleged that he asked all of the officers present for their names and shield numbers and they did not provide the information. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation I-Abuse of Authority: Police Officer Jia Lau did not process § 87(2)(b)'s complaint regarding an officer**

**Allegation J- Abuse of Authority: Police Officer Samuel Maria did not process § 87(2)(b)'s complaint regarding an officer.**

§ 87(2)(b) said that he went to the 69 Precinct stationhouse to make a complaint against PO Saifi at 8:30PM on June 9, 2021. At the gate just inside the stationhouse, officers asked him what he wanted. He responded he wanted to talk to community affairs. They told him to wait and they would get PO Maria. PO Lau, whom he recognized from the day before, was at the front gate. When he asked for PO Lau's shield, he provided it and he read his name on his name tag (BR8).

PO Maria, the community affairs officer, came outside to talk to § 87(2)(b). § 87(2)(b) asked PO Maria how to file a report on PO Saifi. PO Maria told him to call 311, the CCRB, a councilman, or another command. PO Maria stated he did not have the CCRB number with him, but 311 would tell

him. PO Maria gave him no complaint forms or paperwork and said it would be misconduct if he took a report against an officer from his own command. § 87(2)(b) confirmed before he left that he had to call the CCRB. PO Maria reiterated that he could not take a report from the community against officers of his own command because “they don’t allow it” (BR8).

The stationhouse footage (BR12) received from 8:15PM-9:30PM on June 9, 2021 does not show any civilians matching descriptions of § 87(2)(b) PO Lau, or PO Maria. Officers do not go outside with civilians.

PO Lau said that he walked by when § 87(2)(b) requested to talk to community affairs in the 69 Precinct Stationhouse. He was unsure of which date this occurred. § 87(2)(b) stated he wanted to file a complaint against the other officers. PO Lau explained that when someone asks to file a complaint against an officer, they are supposed to tell them to call the CCRB. He told § 87(2)(b) to call the CCRB and showed him the number. Therefore, he gave him no forms and did not take any other actions after showing him the number. PO Lau stayed inside the stationhouse while he saw § 87(2)(b) walk outside with PO Maria. He did not hear any conversation between them (BR11).

PO Maria did not have any recollection of interacting with § 87(2)(b) or any civilian on this day, but he was working as a community affairs officer. If someone wants to speak to him personally, he or she has to request for him to come to the front desk. He did not remember anyone coming to get him to speak to a civilian in the front of the stationhouse (BR13).

PO Maria explained that the general procedure for taking a complaint against another officer is that it has to be taken by a supervisor, no one assigned to the rank of officer. If someone comes in to take a report against another officer, an officer can give the CCRB forms, but cannot process this complaint further than providing forms. Officers cannot finish the report without a supervisor. Thus, PO Maria cannot take complaints against other officers do this because of his rank. PO Maria described the “integrity issue” that an officer cannot take a complaint against another officer. Although PO Maria reiterated that he never spoke to § 87(2)(b) he said that he would have told civilians that it would have been misconduct for him to take a complaint against another officer due to the integrity issue (BR13).

Under NYPD Patrol Guide Procedure 207-31, an officer who receives an in-person complaint against an officer involving FADO allegations must interview the civilian complainant, provide them with a Civilian Complaint Report form, assist the civilian in preparing that form, and then send the form to the CCRB (BR14).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR15).
- Police Officer Denise Garcia-Torres has been a member-of-service for less than one year and this is the first CCRB complaint to which she has been a subject (BR16).
- Police Officer Jia Lau has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject (BR17).

- Police Officer Samuel Maria has been a member of service for 17 years and has been a subject in four CCRB complaints and four allegations, of which one was substantiated (BR18).
  - 200809055 involved substantiated allegations of refusal to obtain medical treatment against PO Maria. The Board recommended Command Discipline and the NYPD imposed Instruction

**Mediation, Civil, and Criminal Histories**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]
- As of August 16, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards the complaint on June 7, 2021 (BR20).
- As of August 16, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards the complaint on June 9, 2021 (BR21).

Squad:     \_\_\_7\_\_\_

Investigator:   ___Lianne May___	Investigator Lianne May_____	_September 8, 2021_
Signature	Print Title & Name	Date

Squad Leader: _____	Manager Vanessa Rosen	September 13, 2021
Signature	Print Title & Name	Date

Reviewer:       _____	_____	_____
Signature	Print Title & Name	Date